

73. (New) The method as recited in claim 70, wherein the step of satisfying at least one consistency constraint includes the step of publishing two compound objects together if the compound objects are both constructed from at least one common changed fragment.

74. (New) The method as recited in claim 61, wherein at least one of the plurality of objects is a Web page.

REMARKS

Claims 1-3, 6-29, and 32-74 are pending. By this amendment, claims 23 and 49 are amended and 61-74 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. Rejection Under 35 U.S.C. 112, Second Paragraph

Applicants thank the Examiner for the indication that the previous rejection of claims 9 and 35, under 35 U.S.C. 112, second paragraph, has been withdrawn.

Claims 23 and 49 were again rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner states that "only unions of sets...of objects are possible, not [a] union between one object and some other object as cited". Claims 23 and 49 have been amended to clarify that the constructed union relates to a union of sets. Withdrawal of the rejection to claims 23 and 49 under 35 U.S.C. §112, second paragraph, is respectfully requested.

II. Rejection Under 35 U.S.C. 103(a) using Challenger and/or Unger References

In the parent application, claims 1-3, 6-8, 11, 14, 15, 27-29, 32-34, 37, 40, 41, and 53-56 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,026,413 to Challenger et al. (hereinafter Challenger) in view of "Introduction to Algorithms", pp. 477-493, by Cormen et al. (hereinafter Cormen). Additionally, claims 9, 10, 35, and 36 were rejected under 35 U.S.C. §103(a) over Challenger and Cormen, in view of U.S. Patent No. 6,230,168 to Unger et al. (hereinafter Unger), claims 12, 13, 38, 39, and 57-60 were rejected under 35 U.S.C §103(a) over Challenger and Cormen, in view of U.S. Patent No. 6,185,585 to Sequeira, claims 16, 17, 20-22, 42, 43, 46, 47, and 48 were rejected under 35 U.S.C. §103(a) over Challenger in view of Unger, claims 18, 19, 44, and 45 were rejected under 35 U.S.C. §103(a) over Challenger and Unger, in view of Sequeira, and claims 23-26 and 49-52 were rejected under 35 U.S.C. 103(a) over Challenger and Unger, in view of Cormen.

Both Challenger and Unger are available as prior art to the present application only under 35 U.S.C. 102(e). Challenger was patented on February 15, 2000, and Unger was patented on May 8, 2001. Both of these dates are after Applicants' U.S. filing date of April 1, 1999. Both Challenger and Unger are assigned to International Business Machines Corporation, as is the present application.

However, under amended provisions of 35 U.S.C 103(c), commonly assigned applications that are available as prior art under 35 U.S.C. 102(e), (f) or (g) are no longer applicable as prior art to the claimed invention in an obviousness rejection. In particular, 35 U.S.C. 103(c) was amended to recite:

Subject matter developed by another person, which qualifies only as prior art under one or more subsection (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

(Emphasis added). See also 1233 OG 55-56 (April 11, 2000), which described guidelines to implement amended 103(c), and M.P.E.P. 706.02(l)(1).

Accordingly, because the present application has been refiled as a Continued Prosecution Application (CPA) to obtain the benefits of amended 103(c), and because amended 103(c) applies to both Challenger and Unger, both Challenger and Unger are not available as prior art references to the claimed invention in the 103 rejections.

Accordingly, because neither Challenger nor Unger can support the rejections, the rejections are overcome and must be withdrawn. Reconsideration and withdrawal of the rejections is respectfully requested.

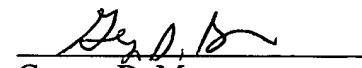
III. New Claims 61-74

Claims 61-74 have been newly added to the application. Claim 61 incorporates subject matter from original claims 1 and 7. Claims 62-74, which depend from claim 61, parallel original claims 2-6 and 8-15, respectively.

These newly added claims are also believed to be patentable. For example, the feature of “publishing at least one of the plurality of objects,” recited in claim 61, solves the problem of consistently publishing objects in the presence of fragments. The prior art does not disclose how to publish Web content at Web sites whereas the present invention does. It is respectfully submitted that this publishing step clearly distinguishes the invention from the prior art.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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MARKED-UP VERSION OF CLAIMS:

23. (Twice amended) The method of claim 20, further comprising the steps of:

determining if a first compound object and a second compound object embed at least one common changed fragment by:

topologically sorting at least part of a graph including dependence edges between objects;

examining the graph in an order defined by the topological sort; and

constructing a union between a set including a second object and a set including changed fragments needed to construct the second object for at least one edge which begins with the second object and terminates in the first object and for which the second object has changed.

49. (Twice amended) The program storage device of claim 46, further comprising the steps of:

determining if a first compound object and a second compound object embed at least one common changed fragment by:

topologically sorting a graph including dependence edges between objects;

examining the graph in an order defined by the topological sort; and

constructing a union between a set including a second object and a set including changed fragments needed to construct the second object for at least one edge which begins with the second object and terminates in the first object and for which the second object has changed.